

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JULY 14, 2016

Presiding: Mayor David D. Ogden  
Meeting Convened at 6:30 p.m.  
Prayer: Dave Ogden  
Pledge of Allegiance

**PUBLIC HEARING (Title 8, Chapter 4 – Design Review Board revisions to the City Code):**

Mayor Ogden welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing. He also stated a perceived need to revise the city code for a more independent design review board. Currently, the board is made up of the Planning and Zoning Commission only. The goal is to include individuals such as the city engineer, public works director, and building inspector, who are specialized in their different areas to benefit the city and citizens as future projects go through the design review process. The board would also include three members from Planning and Zoning and others the mayor may ask to serve. Clerk-Treasurer Wendy McLaughlin reported that there were no prior written testimonies submitted.

The mayor called for those in favor of approving the proposed revisions. No one testified.

The mayor called for those neutral to approving the proposed revisions. No one testified.

The mayor called for those against approving the proposed revisions. Testimony is summarized below.

**Barbara Lusk** feels that the citizens are not being fairly represented. She does not like the idea of those who may not live in Sugar City being part of the design review board. She feels they would not fairly represent those living in or near the city and affected by a potential project. She also feels the mayor and City Council do not listen to or represent those who may disagree and do not choose like-minded people to represent their agenda to serve on city boards and councils.

**Elaine King** asked questions of the council on how the design review process works. She wanted to know that the city code would be considered as part of the process. She also felt the need for those who serve on the board to come from the affected area. Expertise is desirable.

**DISCUSSION AND POSSIBLE MOTION TO ADOPT THE DESIGN REVIEW BOARD REVISIONS:** The council discussed the proposed changes to the city code and reviewed the concerns raised. The council deleted “be and” from the third paragraph and added “Appointment shall be ratified by the City Council” to the fourth paragraph of the proposed ordinance, and then proceeded to adopt the ordinance.

7:00 The public hearing ended and the council convened its regular meeting.

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Joe Cherrington, Matt Garner, and Bruce Arnell; Chairman Brent Barrus of the Planning and Zoning Commission; Forsgren Associates Project Manager Randall Johnson; BYU-Idaho Student Sheresa Allred; Citizens Jesse & Virginia Brown, and Mychelle Eaton.

ORDINANCE NO. 317\_2016 was introduced and read by title only by Councilman Garner, entitled:

“AN ORDINANCE REPEALING SECTION 8-4-4 A, OF THE SUGAR CITY, IDAHO, CITY CODE AND REPLACING IT WITH A NEW SECTION 8-4-4 A, WHICH PROVIDES FOR THREE MEMBERS OF THE PLANNING AND ZONING COMMISSION TO BE MEMBERS OF THE DESIGN REVIEW BOARD AND FOR THE APPOINTMENT OF UP TO FIVE ADDITIONAL MEMBERS OF THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY, REPEAL OF ANY ORDINANCE OR PROVISION WHICH MAY BE IN CONFLICT WITH THE PROVISIONS HEREIN; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.”

It was moved by Councilman Garner and seconded by Councilman Arnell to waive reading of the amended ordinance on three different days and to place it upon its final passage, provided “Appointment shall be ratified by the City Council” be added to the fourth paragraph for clarity. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Arnell, Garner, Cherrington, and King

Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Arnell and seconded by Councilman King to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilman King, Cherrington, Garner, and Arnell

Those voting nay: None

Ordinance No. 317\_2016 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No. 317\_2016 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on June 9, 2016. Each councilman had a copy of the minutes prior to the meeting. Councilman Arnell asked that the minutes on page 3 be changed from Zane to the mayor as the liaison to attend meetings with officials of the Idaho Transportation Department and report back to the council on changes to intersections connecting to Third South and 7<sup>th</sup> West proposed by the Old Farm Estates developers. It was moved by Councilman Garner and seconded by Councilman

Arnell to accept the minutes with the change; motion carried.

**RECONCILIATION REPORTS:** Wendy presented the June reconciliation reports for the General Fund. It was moved by Councilman King and seconded by Councilman Arnell to accept the June reconciliation reports for the General Fund; motion carried. Wendy presented the June reconciliation reports for the Utility Fund. It was moved by Councilman Arnell and seconded by Councilman Garner to accept the June reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$115,470.36. It was moved by Councilman Arnell and seconded by Councilman Garner to pay the current bills, together with all regular July bills; motion carried.

**PLANNING AND ZONING COMMISSION REPORT:** Commissioner Brent Barrus reported the commission did not meet as scheduled last week due to a lack of a quorum. Items under review that the commission is working on:

**Impact Area and University Study Report:** Brent met with officials of the E Center in Rexburg who are part of the BYU-Idaho entrepreneurial center. University students will help with a survey on the proposed impact area increase when the fall semester starts in September. They will report back to the Planning and Zoning Commission.

**Land Use Schedule Title 9 Report:** The commission hopes to have its proposed Title 9 revisions complete and ready for recommendation to the City Council within the next couple of months.

**ANIMAL ORDINANCE NO 304 REVISIONS & POSSIBLE ADOPTION:** The council discussed Councilman Arnell's suggestion to remove from the animal code provisions currently covered in Idaho statutes and his and the mayor's suggestion to add a non-conforming animal permit for those citizens currently grandfathered to keep prohibited animals. The permit would allow residents to continue to raise animals banned from the city as long as the permit is in good standing and the keeping of animals has not been discontinued for more than 9 months, unless otherwise approved by the mayor and City Council.

Councilman King favored leaving the state provisions in the code since (a) they make it easier for residents to see what is required, (b) many people do not know what is in state statutes or how to find specific provisions in the lengthy code, and (c) these animal-treatment provisions show the city's commitment to animal care and well-being. He also noted that many provisions in our city code are drawn from or closely related to those in state statute, which guides the city.

Regarding the proposed provision on animal permits, Councilman King said, "This is a good addition to the ordinance, assuming we are not going to accept suggestions to allow more animals in town and to regulate them with nuisance provisions of our code rather than the specific restrictions currently in place. I think fairness calls for giving written reasons why we oppose these suggestions, if indeed we do. Further, I think we should survey residents to know overall public opinion regarding permissible animals in town and how to regulate them."

He added, "This latest animal ordinance revision before us creates a permit process for keeping animals, but it doesn't directly address the central questions of many residents of what animals should be allowed and how the city should regulate them. I personally do not believe we should

toss our current ordinance in favor of our nuisance laws because complaints would be subject to such broad interpretation as to invite inconsistency and abuse.”

No action was taken to adopt the ordinance. The council decided to deliberate further to address concerns that surfaced. A couple of council members were unsure of the legality of taking a survey for public input. One suggestion floated was to summarize the state code to help clarify parts of the ordinance that might not be understood.

**FIRST BUDGET DRAFT:** The council called a special work meeting for Thursday, August 4, 2016, at 6:30 p.m. at city hall to review the budget in detail and to adopt a tentative budget in time for the public hearing.

**MOTION:** It was moved by Councilman Garner and seconded by Councilman Arnell to set Thursday, August 25, at 6:30 p.m. for the budget hearing; motion carried.

**AMEND MAY 26 MINUTES TO CLARIFY MEANING:** Councilman King asked that the council consider revising the May 26 minutes to add “or less” to “about 10% of” on the discussion of the “Housing Balance Code Change.” No motion was made because the council felt the minutes reflected the intent better without the addition, given the cities contacted in the survey. The proposed amendment was tabled.

**FORSGREN WATER STUDY:** Randall Johnson of Forsgren Associates presented the water study to the council. He reviewed five items that his engineering company believes require immediate attention. The city’s current water supply is inadequate for its needs, he said. A bond to help pay for costs to update the inadequate water system is likely and could double existing water rates. Listed below are the items Mr. Johnson reviewed with the council:

- **New Well** – Kershaw Elementary and Sugar-Salem High School do not have an adequate sprinkler system. A new well with a holding tank is necessary for the city to be able to supply water in case of an emergency.
- **Tank** – Storage tank for the new well to meet fire code capacity
- **Booster Pumps** – Booster pumps are necessary to keep sufficient pressure in the water lines. The city will need new pumps for the well.
- **12-inch Line** – The water lines to Kershaw Intermediate and Central Elementary are too small to allow adequate water flow to put out a fire. A new 12-inch line will need to be installed.
- **Kershaw Line** – The water line to Kershaw Elementary runs directly under the school. This line needs to be rerouted in order to maintain the line and have access to it.

Well #1 is currently pumping air, which could mean that the water table has dropped. The well may need to be drilled again or be in good working order as the water study was done with three working wells in mind. A final water study draft will be presented at the next council meeting.

#### **DEPARTMENT REPORTS:**

##### **COUNCILMAN ARNELL:**

**AIC Conference:** Councilman Arnell reported that the conference was well worth the effort to attend. The classes were very informative and helpful. He suggested that the council attend each year.

**COUNCILMAN KING:** No report.

##### **COUNCILMAN GARNER:**

**Slurry Seal:** Councilman Garner reported on a new asphalt maintenance method called a “slurry seal.” The city used the method on several streets. The slurry seal is easier to put down and less expensive because it does not use rock chips or need a fog seal.

### **COUNCILMAN CHERRINGTON:**

**AIC Conference:** Councilman Cherrington reported on the feasibility of better public transportation for Sugar City. He suggested the Wal-Mart bus route could include the city. The council reminded Councilman Cherrington that TRPTA serves the entire region as our public transportation system.

**Safe Route to School:** Councilman Cherrington would like to see more done to improve biking paths and routes to school.

**Community Breakfast:** Councilman Cherrington has the breakfast details organized and ready to go. The council will meet at Heritage Park by 7:00 a.m. to help with the event. They will leave before the breakfast is finished to ride the fire engine in the 24<sup>th</sup> of July parade in St. Anthony. Councilman Cherrington will find a group willing to help with the cleanup. The mayor will call and invite the county commissioners, mayor, and other local leaders to the breakfast.

**Teton Dam Race Report:** Councilman Cherrington reported that the Teton Dam Race went well. He asked that the city be in charge of more stations close to the city. The race committee will consider the idea for next year.

### **MAYOR'S BUSINESS:**

**AT&T Agreement:** Mayor Ogden reported a new agreement was reached with AT&T. They will pay \$48,000 a year, with a 2% annual increase. AT&T recently reduced their rented space area on the water tower because of smarter technology equipment updates. Their current annual lease is \$58,000.

**Old Farm Estates Well Site Proposal:** Mayor Ogden reported that he met with Old Farm Estates owners Ryan and Jeff Lerwill to decide on the site for the new well. The proposed original site was not big enough. The well site must be within the current diversion point area. A new site was selected that will be a better fit than the original proposed site.

**Fertile Peat Update:** Fertile Peat will make its last financial draw from the grant this coming week. They are planning to open for business in August.

**Larsen Water Rights:** Sugar-Salem Irrigation District has been reluctant to transfer Larsen's water rights to the city. Most of the questions have been answered. The transfer will probably happen in October.

**Code Enforcement Officer:** The city is ready to post the job for a part-time code enforcement officer. The council asked that the officer patrol at random times at least one day a week and be on call the rest of the time. The officer will need a uniform and training.

Meeting adjourned at 10:20 p.m.

Signed: \_\_\_\_\_  
David D. Ogden, Mayor

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer